

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PREPARED FOOD PHOTOS, INC. f/k/a
ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff,

COMPLAINT

v.

Case No. 21-cv-698

GETTY IMAGES, and
iSTOCK BY GETTY IMAGES,

Defendants.

Plaintiff, Prepared Food Photos, Inc. f/k/a Adlife Marketing & Communications, Co., Inc. (“Adlife”), by and through its attorneys HoganWillig, PLLC and Ryan C. Johnsen, Esq., as and for its complaint against Defendant Getty Images and Defendant iStock by Getty Images (“Defendants”), alleges as follows:

1. Adlife is a foreign corporation with offices for the transaction of business located at 38 Church Street, Pawtucket, Rhode Island 02860.
2. Upon information and belief, Defendant Getty Images is a corporation organized under the laws of the State of New York having an office and place of business located at 195 Broadway, New York, New York 10007.
3. Upon information and belief, Defendant iStock by Getty Images is a corporation organized under the laws of the State of New York having an office and place of business located at 195 Broadway, New York, New York 10007.
4. Upon information, Defendants transact business in the Western District of New York.

5. This Court has personal jurisdiction over Defendants based on Defendants' said transaction of business in the Western District of New York and contractual provisions in agreements entered into between Adlife and Defendants, its agents, subsidiaries and/or affiliates.

6. Venue is proper in this Action pursuant to 28 U.S.C.S. § 1400(a).

**AS AND FOR ADLIFE'S FIRST CLAIM:
COPYRIGHT INFRINGEMENT**

7. Adlife incorporates by reference each and every allegation contained in Paragraphs "1" through "6."

8. At all times hereinafter, Adlife is the copyright owner of thousands of photographs depicting various food products.

9. Adlife licenses these copyrighted photographs when it permits them to be used in print and media publications.

10. At all times relevant herein, Adlife has been the sole owner of all right, title and interest in its photographs, including the copyright thereto.

11. Adlife's photographs are registered with the United States Copyright Office.

12. This claim is for copyright infringement under Section 501 of the Copyright Act. This claim arises out of Defendants' unauthorized use, reproduction, and public display of copyrighted photographs, owned and registered to Adlife.

13. Adlife seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101, *et seq.*

14. Upon information and belief, Defendants maintain, control and/or operate the website www.freeimages.com

15. In the calendar year of 2018, Plaintiff and Defendants discussed Defendants' use of Plaintiff's images on www.freeimages.com.

16. During these conversations, upon information and belief, Defendants assured Plaintiff they would cease the use of Plaintiff's images on said site.

17. Upon information and belief, throughout the calendar year of 2019, Defendants have infringed Adlife's copyrights by way of using, reproducing, and publicly utilizing several of Adlife's protected images on the website freeimages.com.

18. On April 30, 2019, Defendants infringed on Adlife's Copyright No. 4324530412215332333 on the website www.freeimages.com.

19. On April 30, 2019, Defendants infringed on Adlife's Copyright No. 4324547722217209608 on the website www.freeimages.com.

20. On April 30, 2019, Defendants infringed on Adlife's Copyright No. 4324660810837295955 on the website www.freeimages.com.

21. On April 30, 2019, Defendants infringed on Adlife's Copyright No. 4324668550835883715 on the website www.freeimages.com.

22. On April 30, 2019, Defendants infringed on Adlife's Copyright No. 4324673640836675834 on the website www.freeimages.com.

23. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325322440831948627 on the website www.freeimages.com.

24. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325329780839787436 on the website www.freeimages.com.

25. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325334190832912680 on the website www.freeimages.com.

26. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325348790836028310 on the website www.freeimages.com.

27. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325362360838431320 on the website www.freeimages.com.

28. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325369020833602143 on the website www.freeimages.com.

29. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325372880835496144 on the website www.freeimages.com.

30. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325380650835484874 on the website www.freeimages.com.

31. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325473470834458914 on the website www.freeimages.com.

32. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325505900831697334 on the website www.freeimages.com.

33. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325536050833242087 on the website www.freeimages.com.

34. On May 1, 2019, Defendants infringed on Adlife's Copyright No. 4325540520833910378 on the website www.freeimages.com.

35. On May 2, 2019, Defendants infringed on Adlife's Copyright No. 4326249190832143495 on the website www.freeimages.com.

36. On May 7, 2019, Defendants infringed on Adlife's Copyright No. 4330486092213925673 on the website www.freeimages.com.

37. On May 7, 2019, Defendants infringed on Adlife's Copyright No. 433049040221126058 on the website www.freeimages.com.

38. On May 7, 2019, Defendants infringed on Adlife's Copyright No. 4330598992217573844 on the website www.freeimages.com.

39. On May 7, 2019, Defendants infringed on Adlife's Copyright No. 4330633230835940040 on the website www.freeimages.com.

40. On May 7, 2019, Defendants infringed on Adlife's Copyright No. 4330634620836942125 on the website www.freeimages.com.

41. On May 8, 2019, Defendants infringed on Adlife's Copyright No. 4331452560835023207 on the website www.freeimages.com.

42. On May 8, 2019, Defendants infringed on Adlife's Copyright No. 4331549372216182960 on the website www.freeimages.com.

43. On May 9, 2019, Defendants infringed on Adlife's Copyright No. 4332168152217472691 on the website www.freeimages.com.

44. On May 9, 2019, Defendants infringed on Adlife's Copyright No. 4332199982211021339 on the website www.freeimages.com.

45. On May 9, 2019, Defendants infringed on Adlife's Copyright No. 4332221332217632679 on the website www.freeimages.com.

46. On May 10, 2019, Defendants infringed on Adlife's Copyright No. 4333131530837844540 on the website www.freeimages.com.

47. On May 13, 2019, Defendants infringed on Adlife's Copyright No. 4335630230839786436 on the website www.freeimages.com.

48. On May 13, 2019, Defendants infringed on Adlife's Copyright No. 4335826060836043467 on the website www.freeimages.com.

49. On May 14, 2019, Defendants infringed on Adlife's Copyright No. 4336471360833076329 on the website www.freeimages.com.

50. On May 14, 2019, Defendants infringed on Adlife's Copyright No. 4336560240836487466 on the website www.freeimages.com.

51. On May 15, 2019, Defendants infringed on Adlife's Copyright No. 4337328652218838211 on the website www.freeimages.com.

52. On May 17, 2019, Defendants infringed on Adlife's Copyright No. 4339164660835616582 on the website www.freeimages.com.

53. On May 20, 2019, Defendants infringed on Adlife's Copyright No. 4341867310834235068 on the website www.freeimages.com.

54. On May 20, 2019, Defendants infringed on Adlife's Copyright No. 4341872420837908139 on the website www.freeimages.com.

55. On May 21, 2019, Defendants infringed on Adlife's Copyright No. 4342653560832522739 on the website www.freeimages.com.

56. On May 21, 2019, Defendants infringed on Adlife's Copyright No. 4342724800831468583 on the website www.freeimages.com.

57. On May 22, 2019, Defendants infringed on Adlife's Copyright No. 4343553202217083540 on the website www.freeimages.com.

58. On May 22, 2019, Defendants infringed on Adlife's Copyright No. 4343570382218881040 on the website www.freeimages.com.

59. On May 22, 2019, Defendants infringed on Adlife's Copyright No. 4343634002214610884 on the website www.freeimages.com.

60. On May 22, 2019, Defendants infringed on Adlife's Copyright No. 4343637492216585428 on the website www.freeimages.com.

61. On May 23, 2019, Defendants infringed on Adlife's Copyright No. 4344367080838833531 on the website www.freeimages.com.

62. On May 24, 2019, Defendants infringed on Adlife's Copyright No. 4345120910834917410 on the website www.freeimages.com.

63. On May 28, 2019, Defendants infringed on Adlife's Copyright No. 4348758980835941100 on the website www.freeimages.com.

64. On May 29, 2019, Defendants infringed on Adlife's Copyright No. 4349493180833846577 on the website www.freeimages.com.

65. On May 29, 2019, Defendants infringed on Adlife's Copyright No. 4349514150836626481 on the website www.freeimages.com.

66. On May 29, 2019, Defendants infringed on Adlife's Copyright No. 4349516390839103665 on the website www.freeimages.com.

67. On May 30, 2019, Defendants infringed on Adlife's Copyright No. 4350746992218985659 on the website www.freeimages.com.

68. On June 1, 2019, Defendants infringed on Adlife's Copyright No. 4352232772212099467 on the website www.freeimages.com.

69. On June 5, 2019, Defendants infringed on Adlife's Copyright No. 4355576500838274711 on the website www.freeimages.com.

70. On June 5, 2019, Defendants infringed on Adlife's Copyright No. 4355986492211410482 on the website www.freeimages.com.

71. On June 12, 2019, Defendants infringed on Adlife's Copyright No. 4361652530832129918 on the website www.freeimages.com.

72. On June 12, 2019, Defendants infringed on Adlife's Copyright No. 4361660080839972693 on the website www.freeimages.com.

73. On June 13, 2019, Defendants infringed on Adlife's Copyright No. 4362462640833049134 on the website www.freeimages.com.

74. On July 5, 2019, Defendants infringed on Adlife's Copyright No. 4381475220836516854 on the website www.freeimages.com.

75. On July 5, 2019, Defendants infringed on Adlife's Copyright No. 4381574020831772623 on the website www.freeimages.com.

76. On July 10, 2019, Defendants infringed on Adlife's Copyright No. 4385414232213349938 on the website www.freeimages.com.

77. On July 12, 2019, Defendants infringed on Adlife's Copyright No. on the website www.freeimages.com.

78. On July 12, 2019, Defendants infringed on Adlife's Copyright No. 4387672470837745263 on the website www.freeimages.com.

79. On July 12, 2019, Defendants infringed on Adlife's Copyright No. 4387727860839358498 on the website www.freeimages.com.

80. On July 24, 2019, Defendants infringed on Adlife's Copyright No. 4397960840832913398 on the website www.freeimages.com.

81. On July 26, 2019, Defendants infringed on Adlife's Copyright No. 4400027882219272379 on the website www.freeimages.com.

82. On August 2, 2019, Defendants infringed on Adlife's Copyright No. 4406114442219339078 on the website www.freeimages.com.

83. On August 2, 2019, Defendants infringed on Adlife's Copyright No. 4406120012215118189 on the website www.freeimages.com.

84. On August 20, 2019, Defendants infringed on Adlife's Copyright No. 4421632812212054010 on the website www.freeimages.com.

85. On August 20, 2019, Defendants infringed on Adlife's Copyright No. 4421645312211296939 on the website www.freeimages.com.

86. On August 24, 2019, Defendants infringed on Adlife's Copyright No. 4425063772215993396 on the website www.freeimages.com.

87. On August 26, 2019, Defendants infringed on Adlife's Copyright No. 4426543660835017280 on the website www.freeimages.com.

88. On August 26, 2019, Defendants infringed on Adlife's Copyright No. 4426566420836138199 on the website www.freeimages.com.

89. On August 31, 2019, Defendants infringed on Adlife's Copyright No. 4430846172211752607 on the website www.freeimages.com.

90. On September 4, 2019, Defendants infringed on Adlife's Copyright No. 4434354070831713039 on the website www.freeimages.com.

91. On September 9, 2019, Defendants infringed on Adlife's Copyright No. 4438442560834887219 on the website www.freeimages.com.

92. On September 26, 2019, Defendants infringed on Adlife's Copyright No. 4453404200835740332 on the website www.freeimages.com.

93. On September 30, 2019, Defendants infringed on Adlife's Copyright No. 4456748650834270904 on the website www.freeimages.com.

94. On October 7, 2019, Defendants infringed on Adlife's Copyright No. 4462630410831686927 on the website www.freeimages.com.

95. Defendants were not licensed or otherwise authorized to reproduce, publicly display and/or use Adlife's protected images.

96. The acts of Defendants complained of herein constitute infringement of Adlife's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

97. Upon information and belief, the foregoing act of infringement by Defendants has been willful, intentional, and purposeful, in disregard and indifference to Adlife's rights.

98. As a direct and proximate cause of the infringement by Defendants of Adlife's copyright and exclusive rights under copyright, Adlife is entitled to damages pursuant to 17 U.S.C. § 504.

99. As a direct and proximate cause of the infringement by Defendants of Adlife's copyright and exclusive rights under copyright, Defendants are also responsible for Adlife's attorney fees pursuant to 17 U.S.C. § 505.

PRAAYER FOR RELIEF

For the foregoing reasons, Plaintiff requests that the Court enter judgment as follows:

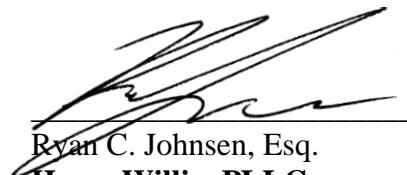
- a. On the First Cause of Action, that Defendants be adjudged to have infringed on Plaintiff's copyrights in photographs in violation of 17 U.S.C. §§ 106 and 501;

- b. On the First Cause of Action, that Plaintiff be awarded statutory damages pursuant to 17 U.S.C. § 504;
- c. On the First Cause of Action, that Defendants be required to account for all profits, income, receipts or other benefits derived by Defendants as a result of its unlawful use of Plaintiff's photographs;
- d. On the First Cause of Action, that Plaintiff be awarded costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
- e. On the First Cause of Action, that Plaintiff be awarded pre-judgment interest;
- f. For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby requests a trial by jury on its above counterclaims.

Dated: June 1, 2021



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